

December 30 2009

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STATE OF MONTANA

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Attorneys for Appellants

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. _____

JEANETTE DIAZ, LEAH HOFFMANN-
BERNHARDT, RACHEL LAUDON,
individually and on behalf of others similarly
situated,

Appellants,

vs.

BLUE CROSS AND BLUE SHIELD OF
MONTANA, NEW WEST HEALTH
SERVICES, MONTANA COMPREHENSIVE
HEALTH ASSOCIATION, STATE OF
MONTANA, AND JOHN DOES 1-100,

Appellees.

Lower Court Cause
No. BDV 2008-956

NOTICE OF APPEAL

FILED

DEC 30 2009

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STATE OF MONTANA

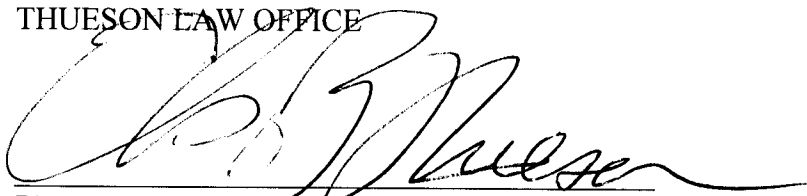
NOTICE is given that Jeanette Diaz and Leah Hoffmann-Bernhardt, the Appellants above-named and who are the plaintiffs in that cause of action filed in the First Judicial District, in and for the County of Lewis and Clark, as Cause No. BDV 2008-956, hereby appeal to the Supreme Court of the State of Montana from the Order Re: Class Action Request entered in such action on the 16th Day of December, 2009.

THE APPELLANTS FURTHER CERTIFY:

1. That this appeal is being made pursuant to Mont.R.App.P. 6 (3)(d).
2. That this appeal is not subject to the mediation process as required by Mont.R.App.P. 7.
3. That this appeal is not an appeal from an order certified as final under Mont.R.Civ.P. 54 (b).
4. That no notice requirement under Mont.R.App.P. 27 has to be given as there is no challenge to the constitutionality of any act of the Montana Legislature.
5. That the pertinent pages from the transcript of the proceeding in this cause has been ordered from the court reporter contemporaneously with the filing of this Notice of Appeal.
6. That included herewith is the filing fee prescribed by statute.

DATED this 30th day of December, 2009.

THUESON LAW OFFICE



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Attorney for Appellants

CERTIFICATE OF SERVICE

I hereby certify that I served true and accurate copies of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action as follows:

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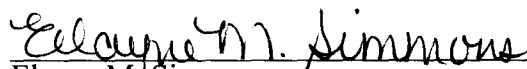
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DATED this 30th day of December, 2009.


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